

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STANLEY MARCUS GALYEAN,

Plaintiff,

v.

NORTHWEST TRUSTEE SERVICES
INC, et al.,

Defendant.

CASE NO. C13-1359 MJP

ORDER ON MOTION FOR
JUDICIAL NOTICE AND STRIKING
EX PARTE SUMMARY JUDGMENT
MOTION

Motion for Judicial Notice

Plaintiff has filed a Motion for Judicial Notice (Dkt. No. 5) requesting this Court to take judicial notice, based on information from the website of the Federal Deposit Insurance Corporation (FDIC), that the IndyMac Federal Bank, FSB, of Pasadena, CA was sold by the FDIC on March 19, 2009 to One West Bank FSB, and that

Upon information and belief, IndyMac Federal Bank did not exist as a legal entity after that date and could not carry on ANY legal business in its own name.

Motion for Judicial Notice, p. 2.

1 The taking of judicial notice is an evidentiary matter upon which all parties to the lawsuit
2 have a right to be heard. Plaintiff has not served any of the defendants named in this action,
3 therefore they are unable to be heard in opposition to his request. Therefore, the motion for
4 judicial notice is untimely and premature.

5 Ex Parte Motion for Summary Judgment

6 Plaintiff has also filed with this Court a pleading entitled "Ex Parte Motion for Summary
7 Judgment." Dkt. No. 6. There is no such motion recognized in federal civil procedure. The
8 "Prayer for Relief" contained in this pleading affects the rights of parties which have neither
9 been served with notice of summons and complaint nor filed an appearance in this matter, and
10 thus are not before the Court; these rights, therefore, cannot be adjudicated at this time.

11 Plaintiff is free to move for summary judgment once he has served the parties against
12 whom this complaint is filed and satisfied any other procedural and discovery requirements
13 which federal law dictates, and not before.

14 IT IS ORDERED that the motion for judicial notice is DENIED as untimely.

15 IT IS FURTHER ORDERED that Plaintiff's "Ex Parte Motion for Summary Judgment"
16 is STRICKEN as untimely and procedurally improper.

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18 The clerk is ordered to provide copies of this order to all counsel.

19 Dated this 11th day of September, 2013.

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22 Marsha J. Pechman
23 United States District Judge
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